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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,565	02/10/2004	Mark E. Wentland	BO1 - 0041US	1439
60483	7590	08/21/2006	EXAMINER	
LEE & HAYES, PLLC 421 W. RIVERSIDE AVE. SUITE 500 SPOKANE, WA 99201			SWIATEK, ROBERT P	
			ART UNIT	PAPER NUMBER
			3643	

DATE MAILED: 08/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/775,565	<b>Applicant(s)</b> WENTLAND ET AL.	
	<b>Examiner</b> Robert P. Swiatek	<b>Art Unit</b> 3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,5,8-11,13 and 16-36 is/are pending in the application.
- 4a) Of the above claim(s) 16-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5, 8-11, 13, 36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 5, 8, 9, 11, 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Schwertfeger et al. (US 5,474,260: Reference on Information Disclosure Statement filed 14 April 2005). The Schwertfeger et al. patent discloses an aircraft comfort facility having at least one stall unit 14 defined by walls enclosing a commode 14B. A sink 14D is positioned exteriorly on the stall unit 14, where it is adjacent to a portion 13 of the surrounding aircraft cabin. As to claim 3, a commode 14A with a sink 14D located in a separate stall unit 14 (see Figure 3 of Schwertfeger et al.) is considered to constitute a urinal. With regard to claims 5, 13, the two abutting stall units 14 of Schwertfeger et al. (shown in the upper right-hand corner of Figure 3) can be construed as a “male” lavatory facility (designation thereof could consist merely of a sign reading “Men”), which has one each 14A of a commode and a urinal (a urinal can comprise a commode, in this instance), while the standalone unit 14, 14B, 14D is designated a “female” lavatory facility. In the latter scenario, the sink 14D associated with the commode 14B is mounted to an external wall of the unit 14—the external wall serving to separate the commode 14B from the male lavatory facility. Two of the four walls constituting both the male lavatory

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facility and the female lavatory facility are considered to be first and second “separators” that separate the interior of the facility from the rest of the aircraft cabin.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schwertfeger et al. in view of Kenet (US 5,309,146). While the door of the unit 14, 14B, 14D of Schwertfeger et al.—shown in Figure 3 merely as a broken line—does not include a panel having lights of two colors, it would have been obvious to one skilled in the art to position a panel with vari-colored lights adjacent the door of the unit 14, 14B, 14D of Schwertfeger et al., in view of the patent to Kenet that a panel with green and red LEDs can indicate at a glance the occupancy status of a room (see column 9, lines 17-21, of Kenet).

Claims 3, 8-11, 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. In claim 3, line 2, “the created space” lacks a prior antecedent basis; in claim 8, line 2, recitation of “a second separator” is unclear in the absence of recitation of a *first* separator; in claim 9, line 3, the phrase “each stall unit from each other” is unclear for a scenario in which the female lavatory facility includes only one stall unit; in claim 13, line 15, the expression “each of the stall units” is unclear and should be amended to —said at least one stall unit—, in lines 17, 18, the phrase “each stall unit from each other” is unclear in the embodiment wherein only one stall unit is present.

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Claims 1, 3, 36 are objected to because of the following informalities: In claim 1, line 1, the words "an aircraft" should be deleted. Appropriate correction is required.

Claim 10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

RPS: 571/272-6894  
14 August 2006

*Robert P. Swiatek*  
ROBERT P. SWIATEK  
PRIMARY EXAMINER  
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